IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.Rev.Pet.No. 372 of 1999()

CRA.82/1997 of ADDL. SESSIONS COURT, ALAPPUZHA
STC.74/1993 of CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

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REVN. PETITIONER: APPELLANT/ACCUSED:

N.A.LILLY
THAIPPARAMBIL HOUSE
ARATTUVAZHUWARD, ALAPPUZHA.

BY ADV. SRI.K.R.SACHIDANANDAN

RESPONDENTS: RESPONDENTS/COMPLAINANT

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1. SASIKALA
   DEVASWOMPARAMBU
   KOMMADI, ALAPPUZHA.

2. STATE OF KERALA
   REPRESENTED BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.372/99

ORDER ON CRL.M.P.NO.1578/99 IN CRL.R.P.NO.372/99

DISMISSED

26.3.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.372 of 1999

Dated this the 26th day of March, 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for two months and to pay a fine amount of Rs.20,000/- and in default, to undergo simple imprisonment for one month.

2. The prosecution case is that the revision petitioner/ accused received a sum of Rs.25,000/- and issued the impugned cheque which when presented for encashment got dishonoured for the reason of 'insufficient funds'. The lawyer notice demanding payment was not responded to, and the proceedings have been initiated within the stipulated time limits. Both the courts below have meticulously considered the evidence adduced in the matter. The execution of the cheque and the dishonour of the same for want of funds stands established. I find no reasons to interfere in the findings of the court below in exercise of the revisional jurisdiction. It was submitted that the revision petitioner has already undergone imprisonment. If so, the same

shall be treated as compliance with respect to the sentence imposed so far as the imprisonment is concerned.

3. In the circumstances, considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- and in default, to undergo simple imprisonment for one month. Revision petitioner is granted two months' time to pay the amount of compensation. Revision petitioner shall appear before the Chief Judicial Magistrate Court, Alappuzha on 25.5.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl